

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**UNITED STATES OF AMERICA**

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**CRIMINAL NO: 07-408**

**v.**

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**SECTION: "I"**

**EDDIE SANDIFER, III**

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**FACTUAL BASIS**

Should this matter proceed to trial, the United States would prove beyond a reasonable doubt, through credible testimony and reliable evidence, the following facts:

On July 6, 2007, July 13, 2007, July 18, 2007, July 27, 2007, October 23, 2007, and November 8, 2007, an undercover police officer ("U/C") purchased quantities of heroin from Wayne Williams II ("Williams"), in exchange for United States currency. The quantities of heroin were forensically analyzed and determined to weigh 4.1 grams, 1.6 grams, 1.7 grams, 1.4 grams, 6.3 grams, and 6.4 grams, respectively. During the course of the investigation, Williams told the U/C that his source for heroin was a New Orleans fireman named "Milton."

On at least three occasions, just before Williams sold quantities of heroin to the U/C, surveillance officers saw Williams meet briefly with Milton Joseph IV ("Joseph"). Further, just before meeting with Williams on those three occasions, surveillance units saw Joseph drive his

vehicle, park, and go to an apartment located at 1434 ½ North Derbigny Street, New Orleans, Louisiana. He then departed in his vehicle and met Williams.

On October 18, 2007, the Honorable Sarah S. Vance, District Court Judge in the Eastern District of Louisiana, entered an order that authorized a Title-III wire intercept of conversations over a cellular telephone used by Joseph. The wire intercept was terminated on November 16, 2007.

On October 30, 2007, a conversation was intercepted between SANDIFER and Joseph. SANDIFER told Joseph that he had gone to the apartment located at 1434 ½ North Derbigny Street and, referring to heroin, said there “wasn’t nothin’ [there].” Joseph, referring to heroin, told SANDIFER, “No...that’s a dead issue right now. I’m on stand-by right now.” In the days leading up to this conversation, a series of conversations were intercepted between Joseph and his heroin source, Damon Burkhalter (“Burkhalter”) that revealed Joseph was out of heroin and anticipated that he would receive a new supply of heroin from Burkhalter on or about November 1, 2007.

Joseph went on to tell SANDIFER that he had been out of heroin for approximately 3-4 days. SANDIFER told Joseph that while in the above-referenced apartment on North Derbigny Street, [I] “looked up there (referring to the location in the apartment where the heroin was normally stored), and I said, ‘No, this can’t be true.’” Joseph, referring to the fact that he was out of heroin, said, “Yeah, I’m dead.” Joseph told SANDIFER that he was waiting to receive another quantity of heroin from his source who was going to re-supply him with heroin either later that day or the next day. During the course of the conversation, SANDIFER told Joseph that a customer had contacted him which resulted in SANDIFER going to the North Derbigny Street apartment to retrieve a quantity of heroin before finding the quantity he sought was not there.

On November 2, 2007, and November 8, 2007, surveillance agents watched as Joseph drove his vehicle, parked and appeared to briefly enter the apartment located at 1434 ½ North Derbigny Street. Surveillance agents then followed Joseph as he departed in his vehicle and appeared to engage in hand to hand drug transactions. On each day, one of the individuals who appeared to receive drugs from Joseph was arrested shortly after the drug transactions occurred. Heroin, wrapped in aluminum foil packets, was recovered from the individuals at the time of their arrests. The heroin was forensically analyzed and weighed .28 grams, and .31 grams, respectively.

On or about November 3, 2007, Joseph received a new supply of heroin from his source, Damon Burkhalter (“Burkhalter”). On November 3, 2007, Joseph contacted SANDIFER to inform him that he again had heroin to sell. During the conversation, SANDIFER asked Joseph, “[You] back on line?” Joseph responded, “Yeah.” Joseph confirmed to SANDIFER that he once again had quantities of heroin to sell. Joseph asked SANDIFER if SANDIFER wanted him to bring SANDIFER a quantity of heroin so SANDIFER could sell it to his customer. SANDIFER, referring to his customer, responded, “What...for old boy?” Joseph said, “Yeah.” SANDIFER said, “Yeah...might be.” They agreed to talk later.

On November 6, 2007, at approximately 12:25 p.m., another conversation was intercepted between SANDIFER and Joseph. SANDIFER told Joseph that he had just traveled to the apartment at 1434 ½ North Derbigny Street but realized when he arrived that he did not have his key. Therefore, SANDIFER told Joseph that he had called him hoping that Joseph was in the area to let him in the apartment. Joseph told SANDIFER that he (Joseph) had just left the apartment. SANDIFER asked Joseph if he had retrieved a quantity of heroin for him while he was inside the

apartment. Joseph responded, “No, I didn’t...because I didn’t talk to you and I didn’t want...you know what I’m sayin’?” They agreed to talk later.

On November 6, 2007, at approximately 8:25 p.m, a conversation was intercepted between SANDIFER and Joseph. During the conversation, SANDIFER asked how much he should charge a customer who was requesting to purchase a smaller amount of heroin from SANDIFER than that amount SANDIFER normally sold to the customer. Joseph first asked SANDIFER the quantity of heroin his customer usually purchased from him. After identifying the quantity, Joseph asked SANDIFER if he normally charged \$350 for that quantity of heroin. SANDIFER responded, “probably so.” SANDIFER then reconsidered and said he usually charged \$450. Joseph then asked SANDIFER if his customer proposed to pay \$200 or more for the smaller quantity of heroin. SANDIFER responded, “Guessin’ probably two and a quarter maybe....” Joseph then told SANDIFER, “Alright, so he hit you with that (referring to the \$225), you get him for...(referring to the amount of heroin SANDIFER should provide in exchange for the \$225).” At that point SANDIFER abruptly interrupted Joseph and ended the conversation. SANDIFER told Joseph to call him the next morning.

Because the purity of the heroin that Burkhalter re-supplied Joseph with on or about November 3, 2007, was poor, Joseph immediately received complaints about its quality from his customers. As a result, Joseph and Burkhalter engaged in a number of conversations in an effort to remedy the problem regarding the purity of the heroin. Ultimately, on November 15, 2007, Burkhalter and Joseph agreed to purchase 28 grams of heroin, from an alternative heroin source, to mix with the heroin possessed by Joseph in an effort to increase its purity.

In addition, on November 6, 2007, a conversation was intercepted between JOSEPH and a third-party. During the conversation, JOSEPH agreed to sell the third party a quantity of heroin in exchange for \$550. Later that day, surveillance units saw JOSEPH and the third party meet in New Orleans and consummate the transaction. The third party was subsequently arrested and a quantity of heroin was recovered from his possession which was forensically analyzed and determined to weigh approximately 3.7 grams.

On November 30, 2007, a search warrant was executed at 1434 ½ North Derbigny Street, New Orleans, Louisiana. Inside the residence, approximately 20.3 grams of heroin were recovered, along with digital scales, a box of plastic baggies, aluminum foil wrap, a cutting agent, a plate, two spoons, a grinding machine, and cutting materials. The heroin, and the majority of the other items recovered, were found on the top shelf of a closet inside the apartment. The two spoons, plate, electronic scale, and grinding machine were forensically analyzed. Forensic analysis revealed that the spoons, plate, and digital scale contained heroin residue. Analysis further confirmed that the grinder contained heroin residue. The amount of residue taken from the grinder weighed 1.1 grams. In addition, a piece of mail was found inside the apartment addressed to SANDIFER at 1434 ½ North Derbigny Street.

It was learned, during the course of the investigation, for a period of time SANDIFER resided inside the apartment located at 1434 ½ North Derbigny Street. On or about November 20, 2007, surveillance units saw SANDIFER moving his personal items out of the apartment.

All of the drugs that were recovered during the course of this investigation was tested by the DEA Laboratory in Dallas, Texas and all substances tested positive for illegal drugs, including cocaine base, heroin, and Diazepam. Furthermore, based on the wire intercepts, undercover purchases, and statements of co-conspirators the defendant, **Eddie Sandifer**, and the government agree and stipulate that he should be held accountable for at least 40 grams but less than 60 grams of heroin that was reasonably foreseeable to him during the course of this conspiracy.

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Maurice Landrieu (Date)  
Assistant United States Attorney

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Robert C. Jenkins (Date)  
Counsel for Defendant

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Eddie Sandifer, III (Date)  
Defendant